

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR50
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

Defendant has filed a number of motions with the court. Filing Nos. 117, 135, 136, 137, 138, 140, 141, 142, and 143.

Motion for Subpoenas, Filing No. 117

This motion is summarily denied, as the court held a hearing on all subpoena issues. A separate order dealing with issuance of subpoenas will be forthcoming.

Motion to Continue, Filing No. 135

Defendant moves this court to continue. Defendant states that he has been thrown in the "hole" and has not had access to his files. Defendant does not tell the court what deadline he wishes to have extended, nor does defendant tell the court how long he will be in the hole. The court will assume that he has been placed in the hole for several days. As such, his trial date should not be changed. Accordingly, defendant's motion is denied.

Motions for an Order to Return Files, Filing Nos. 136 and 138

Defendant moves this court for a return of his files. These files were evidently confiscated for rules violations by the defendant. Although the court has given defendant access to the law library in the Roman Hruska U.S. Courthouse, the defendant must comply with all rules regarding bringing contraband into the Douglas County Jail. The court assumes that Douglas County will return the legal papers to the prisoner who can store them at the federal building in accordance with the dictates of the U.S. Marshal's directives. Accordingly, these motions are denied.

Motion to Replace Suit, Filing No. 137

Defendant requests the court to order the U.S. Marshal's Service to replace his fitted western suit, western shirt, necktie and ruby studded belt buckle which he alleges have been stolen or misplaced. To the extent that the U.S. Marshal's Office has these articles of clothing, they will be returned at the time of trial or at another appropriate time. If these articles of clothing are not in the possession of the U.S. Marshal's Office or if they are not

appropriate for trial, then stand-by counsel can assist defendant with obtaining appropriate clothing for trial. Accordingly, defendant's motion is denied.

Motions to Continue and to Return Files, Filing No. 140 and 141

Defendant moves to continue this case for the reason that he apparently has a civil trial now in Sheridan County. On September 8, 2006, the state court scheduled the civil hearing for October 24, 2006. I will not continue this criminal case which has been set for some time on October 23, 2006. The court has already ruled on defendant's additional request that his files be returned to him. Also, any requests regarding files dealing with the state court proceeding should be directed to the state court judge. Accordingly, defendant's motion is denied.

Motion to Cease and Desist Cruel and Unusual Punishment, Filing No. 142

Defendant moves this court to address violations of his rights. He has been placed in the hole for failing to properly follow jail guidelines regarding contraband. He now complains about the conditions of his incarceration and his cell mate. Although the defendant has a right to defend himself and to obtain access to legal materials, he must still comply with the safety regulations promulgated by the institution. All complaints regarding his cell mate and the conditions of his confinement should be filed through the jail administrative processes. Accordingly, the defendant's motion is denied.

Motion to Suppress and for a Hearing, Filing No. 143

Defendant asks this court to suppress the signature card in this case. First, the court has repeatedly told defendant that it would not consider any additional pretrial motions in this case. The deadline for those motions has come and gone. Second, this same issue has previously been raised and denied. Accordingly, the defendant's motion is denied.

THEREFORE, IT IS ORDERED that all parts of Filing Nos. 117, 135, 136, 137, 138, 140, 141, 142, and 143 are denied.

DATED this 25th day of September, 2006.

BY THE COURT:

s/Joseph F. Bataillon
Chief United States District Judge